

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, March 28, 2006 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D Kinser, Chair
Anthony Orange, Co-Chair
Deborah Tomlin
Charles W Falwell
James Hollar
Robert M Kirby
Michael D. Redifer
Wyatt Walton, III
Troy Smith, Jr
Ann Rackas Pate
Kenneth W Hart
Jeffrey Modisett
Dorothy Wood

Mr Kinser, Ms Rackas Pate and Ms Wood did not attend the meeting.

Staff members present for all or part of the meeting were:

Jay W DeBoer, Director
David Ashe, Chief Deputy
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L Olson, Executive Director
Kevin Hoefft, Regulatory Boards Administrator
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Karen Kenney, Administrative Assistant
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Nick Christner, Director, Compliance and Investigations

Vice Chairman Anthony Orange called the meeting to order at 9 05 a m and a Quorum of board members was in attendance

Call
To Order

A motion was made by Mr. Kirby and seconded by Mr. Hart to approve the agenda as written The motion passed unanimously Members voting "Yes" were Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Walton, and Orange.

Approval of
the Agenda

Mr. Hollar moved to approve the following minutes as submitted from the

Approval of
Minutes

February 28, 2006, Contractor Board Meeting
February 7, 2006, Informal Fact Finding Conference.
February 9, 2006, Informal Fact Finding Conference
February 14, 2006, Informal Fact Finding Conference
February 15, 2006, Informal Fact Finding Conference.
February 23, 2006, Informal Fact Finding Conference
February 28, 2006, Informal Fact Finding Conference

Mr. Falwell seconded the motion and it was unanimously approved by members Members voting "Yes" were Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Walton, and Orange.

Karen O'Neal introduced DPOR's new Director, Mr. Jay W. DeBoer and new Chief Deputy, Mr. David Ashe to the Board.

Introduction
of new
Director and
Chief
Deputy

There was no public comment.

Public
Comment
Period

In the matter of Recovery Fund File Number 2004-04986, Carol Riddick (Claimant) vs. Susan Carole Riggs, t/a Windows Unlimited and Custom Remodeling (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation Neither Susan Carole Riggs, t/a Windows Unlimited and Custom Remodeling (Regulant) nor anyone on her behalf appeared at the IFF or the Board meeting Carol Riddick (Claimant) did not appear at the IFF or the Board meeting After discussion, a motion was made by Mr. Redifer and seconded by Mr. Kirby to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$5,000.00. The motion passed unanimously Members voting "Yes" were Falwell, Hart,

File Number
2004-04986
Susan
Carole Riggs

Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2004-03504, Rosalind and Franklin Moseley (Claimants) vs. Larry's Homes of Virginia, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Larry's Homes of Virginia, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Rosalind and Franklin Moseley (Claimants) did not appear at the IFF or the Board meeting The Moseley's Attorney, Bradley D Wein, represented the Moseley at the IFF After discussion, a motion was made by Mr. Redifer and seconded by Mr. Kirby to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$20,000.00. The motion passed unanimously Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.**

**File Number
2004-03504
Larry's
Homes of
Virginia,
Inc.**

In the matter of Recovery Fund File Number 2004-03148, Marvin P. Walker (Claimant) vs. Richard Carter and William McGregor, t/a James Brown Remodeling (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Richard Carter nor William McGregor, t/a James Brown Remodeling (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting Marvin P. Walker (Claimant) did not appear at the IFF or the Board meeting. After discussion, a motion was made by Mr. Kirby and seconded by Mr. Hart to adopt the claim review and the hearing officer's recommendations and summary for violations and denied the claim for payment The motion passed unanimously Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.**

**File Number
2004-03148
Richard
Carter &
William
McGregor**

In the matter of Recovery Fund File Number 2004-03113, Dorothy Kuykendall-Smith (Claimant) vs. Donald & Woody Belcher, t/a Belcher & Son Home Improvement (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Donald & Woody Belcher, t/a Belcher & Son Home Improvement (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting Dorothy Kuykendall-Smith and her attorney, R. Glen Morgan (Claimant) appeared at the IFF Attorney R. Glen Morgan appeared at the Board meeting and he agreed with the Board After discussion, a motion was made by Mr. Redifer and seconded by Mr. Falwell to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the**

**File Number
2004-03113
Donald &
Woody
Belcher**

claim for payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2004-03028, Patrick V. Morris (Claimant) vs. Mark Layman, t/a Layman Custom Homes (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Mark Laymen, (Regulant) and his attorney, James D. Hundley, appeared at the IFF. Mr Hundley appeared at the Board meeting and addressed the Board Patrick Morris (Claimant) did not appear at the IFF or the Board meeting. After discussion, a motion was made by Mr. Kirby and seconded by Mr. Walton to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$3,312.00. The motion passed unanimously Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.

File Number
2004-03028
Mark
Layman

In the matter of Recovery Fund File Number 2004-02496, Diane Shilts (Claimant) vs. Larry D. Lucas, Sr., t/a Larry's Floors (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation Neither Larry Lucas, t/a Larry's Floors (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting Diane Shilts (Claimant) appeared at the IFF but not the Board meeting After discussion, a motion was made by Mr. Redifer and seconded by Mr. Walton to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$3,625.00. The motion passed unanimously Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.

File Number
2004-02496
Larry Lucas,
Sr.

In the matter of Recovery Fund File Number 2005-01595, Andrew Kolp (Claimant) vs. M. V. Mullen Construction, t/a Restoration Solutions (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation Neither M. V. Mullen Construction, t/a Restoration Solutions (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting Andrew Kolp (Claimant) did not appear at the IFF or the Board meeting After discussion, a motion was made by Mr. Redifer and seconded by Mr. Hart to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for

File Number
2005-01595
M. V.
Mullen
Construction

payment in the amount of \$2,317.00. The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2005-01490, Aubrey and Beth Beach (Claimants) vs. M. V. Mullen Construction, t/a Restoration Solutions(Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither M.V. Mullen Construction, t/a Restoration Solutions (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Aubrey and Beth Beach (Claimants) appear at the IFF and John C McLemore attorney for the Claimants participated via telephone at the IFF Aubrey and Beth Beach appeared at the Board meeting and agreed with the Board. After discussion, a motion was made by Mr. Redifer and seconded by Ms. Tomlin to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$19,010.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.**

**File Number
2005-01490
M. V.
Mullen
Construction**

In the matter of Recovery Fund File Number 2005-01208, Peter and Judith Gotwals (Claimants) vs. Coastal Cottages & Cabinets, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Coastal Cottages & Cabinets, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Peter and Judith Gotwals (Claimant) appeared at the IFF and the Board meeting They agreed with the Board. After discussion, a motion was made by Mr. Kirby and seconded by Mr. Modisett to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$1,924.00. The motion passed unanimously Members voting "Yes" were: Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.**

**File Number
2005-01208
Coastal
Cottages &
Cabinets,
Inc.**

In the matter of Recovery Fund File Number 2005-01207, Charles and Mildred Johnson (Claimants) vs. Aqua Tech, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Aqua Tech, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Charles and Mildred Johnson (Claimants) appeared at the IFF but not the Board meeting After discussion, a motion**

**File Number
2005-01207
Aqua Tech,
Inc.**

was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$911.00**. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr. Hollar was not present and did not participate. The license was granted

In the matter of Recovery Fund File Number 2005-00944, Linda and Gregory Dodge (Claimants) vs. Decelle & Sons Custom Swimming Pools (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Decelle & Sons Custom Swimming Pools (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting **Linda and Gregory Dodge (Claimants)** appeared at the IFF. Linda Doge appeared at the Board meeting and she agreed with the Board The Dodges agreed with the Board After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$15,048.00**. The motion passed unanimously Members voting "Yes" were. **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00944
Decelle & Sons

In the matter of Recovery Fund File Number 2005-00810, Milton Nichols (Claimant) vs. Michael Grey, t/a Mr. Mike (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Michael Grey, t/a Mr. Mike (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting **Milton Nichols (Claimant)** appeared at the IFF and the Board meeting. Mr Nichols agreed with the Board After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Hart** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,036.00**. The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00810
Michael Grey

In the matter of Recovery Fund File Number 2005-00808, Mina Reynolds (Claimant) vs. Jerald Russo, t/a Right Way Construction (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and

File Number
2005-00808
Jerald Russo

recommendation. Neither Jerald Russo, t/a Right Way Construction (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Mina Reynolds (Claimant) appeared at the IFF and the Board meeting. Mina Reynolds agreed with the Board. After discussion, a motion was made by Mr. Hart and seconded by Mr. Falwell to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$2,637.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2005-00805, Warren E. Renshaw, Jr. (Claimant) vs. Steven Rupe, t/a J & S Construction & Home Improvement (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Steven Rupe, t/a J & S Construction & Home Improvement (Regulant) appeared at the IFF but not the Board meeting. Warren E. Renshaw, Jr. (Claimant) appeared at the IFF but not the Board meeting. After discussion, a motion was made by Mr. Kirby and seconded by Mr. Smith to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$225.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00805
Steven Rupe

In the matter of Recovery Fund File Number 2005-00799, Tony and Silvia Albert (Claimants) vs. Barinder Barry Chadda, t/a All American Building & Store Fixtures (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Neither Barinder Barry Chadda, t/a All American Building & Store Fixtures (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Tony and Silvia Albert (Claimants) appeared at the IFF and the Board meeting. They agreed with the Board. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Modisett to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were: Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00799
Barinder
Barry
Chadda

In the matter of Recovery Fund File Number 2005-00607, Pamela McConnell (Claimant) vs. Aqua Tech, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation

File Number
2005-00607
Aqua Tech,
Inc.

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March 28, 2006

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Neither Aqua Tech, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Pamela McConnell (Claimant) appeared at the IFF and the Board meeting. Ms. McConnell agreed with the Board. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Kirby to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$6,230.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2005-00591, Adrienne Scribner (Claimant) vs. Aqua Tech, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Neither Aqua Tech, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Adrienne Scribner (Claimant) appeared at the IFF but not the Board meeting. John Scribner represented Adrienne Scribner at the Board meeting, he agreed with the Board. After discussion, a motion was made by Mr. Falwell and seconded by Mr. Walton to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$1,622.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

**File Number
2005-00591
Aqua Tech,
Inc/**

In the matter of Recovery Fund File Number 2005-00515, Mark Andrew and Linda Peterson (Claimants) vs. Fieldstone Construction, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Neither Fieldstone Construction, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Mark Andrew (Claimant) with his attorney, J. Barrett Jones, appeared at the IFF but not the Board meeting. After discussion, a motion was made by Mr. Kirby and seconded by Mr. Walton to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

**File Number
2005-00515
Fieldstone
Construction
, Inc.**

In the matter of Recovery Fund File Number 2005-00513, Greta Randolph (Claimant) vs. Son Tok Pak, t/a Eugene Construction Co. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Son Tok Pak, t/a Eugene Construction Co.

**File Number
2005-00513
Son Tok Pak**

(Regulant) appeared at the IFF and the Board meeting **Greta Randolph (Claimant)** appeared at the IFF and the Board meeting Ms Randolph addressed and agreed with the Board Son Tok Pak addressed and disagreed with the Board After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Falwell** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$7,037.00**. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2005-00500, Charles Tarver, III (Claimant) vs. Jacqueline Sawyer, t/a Wishmakers (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Jacqueline Sawyer, t/a Wishmakers (Regulant) nor anyone** on her behalf appeared at the IFF or the Board meeting **Charles Tarver, III (Claimant)** appeared at the IFF and the Board meeting. Mr. Tarver agreed with the Board After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$3,065.00**. The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr Hollar was not present and did not participate.

File Number
2005-00500
Jacqueline
Sawyer

In the matter of Recovery Fund File Number 2005-00340, Twilla Fulks (Claimant) vs. Harold Houston Hayslett (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Harold Houston Hayslett, t/a Agape Home Restorations (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting **Twilla Fulks (Claimant)** participated via telephone at the IFF but did not appear at the Board meeting After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Modisett** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$4,637.50**. The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton**. As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00340
Harold
Houston
Hayslett

Continued to April 25, 2006 Board meeting.

File Number
2005-00339
Americana
Contractors
LLC

In the matter of Recovery Fund File Number 2004-00292, Elwood and Bessie Tyler, Jr. (Claimants) vs. Daniel Lee Frazier, t/a Mastercraft Home Repair/Remodeling Professionals (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Neither Daniel Lee Frazier, t/a Mastercraft Home Repair/Remodeling Professionals (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Elwood and Bessie Tyler, Jr. (Claimant) appeared at the IFF and the Board meeting. The Tylers addressed their disagreement with the Board. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Kirby to adopt the claim review and the hearing officer's recommendations and summary for violations and denied the claim for payment. The motion passed by majority vote. Members voting "Yes" were: Hart, Kirby, Modisett, Tomlin, Redifer, and Walton. Mr. Smith, Mr. Falwell, and Mr. Orange voted "no." As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2004-00292
Daniel Lee
Frazier

In the matter of Recovery Fund File Number 2005-00249, Douglas and Karen Butler (Claimants) vs. Jackson Construction, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Jackson Construction (Regulant) appeared at the IFF but not the Board meeting. Douglas Butler (Claimant) and his attorney, Albert Hartley appeared at the IFF. Douglas and Karen Butler appeared at the Board meeting and agreed with the Board. After discussion, a motion was made by Mr. Falwell and seconded by Mr. Hart to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00249
Jackson
Construction

In the matter of Recovery Fund File Number 2005-00180, Thomas Dudley (Claimant) vs. BP Construction Company, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. Neither BP Construction Company, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Mr. and Mrs. Thomas Dudley and their attorney, Vicki L. Wiese (Claimant) appeared at the IFF but not the Board meeting. After discussion, a motion was made by Mr. Kirby and seconded by Mr. Smith to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board

File Number
2005-00180
BP
Construction
Company,
Inc.

Representative, Mr Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2005-00039, Wallace and Beulah Davis (Claimants) vs. Theodore Evans, t/a Evans Homebuilding (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Theodore Evans, t/a Evans Homebuilding (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Wallace and Beulah Davis (Claimants) appeared at the IFF and the Board meeting. They agreed with the Board. After discussion, a motion was made by Mr. Smith and seconded by Mr. Kirby to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$5,560.00. The motion passed unanimously. Members voting "Yes" were. Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.**

**File Number
2005-00039
Theodore
Evans**

In the matter of Recovery Fund File Number 2005-00038, Charles and Donna Garner (Claimant) vs. B & K Home Improvement, Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither B & K Home Improvement, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Charles Garner (Claimant) participated at the IFF via telephone but not the Board meeting. Donna Garner appeared at the Board meeting and agreed with the Board. After discussion, a motion was made by Mr. Falwell and seconded by Mr. Modisett to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$3,310.89.00. The motion passed unanimously. Members voting "Yes" were: Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the Board Representative, Mr Hollar was not present and did not participate.**

**File Number
2005-00038
B & K Home
Improvement,
Inc.**

In the matter of Recovery Fund File Number 2005-00036, Veronica Sutton (Claimant) vs. Larry Drummond, t/a Drummond Heating & Cooling (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Larry Drummond, t/a Drummond Heating & Cooling (Regulant) and Teresa Drummond appeared at the IFF but not the Board meeting. Veronica Sutton (Claimant) appeared at the IFF and the Board meeting. Ms Sutton agreed with the Board. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Kirby to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$5,193.25. The motion passed unanimously. Members voting "Yes" were Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. As the**

**File Number
2005-00036
Larry
Drummond**

Board Representative, Mr. Hollar was not present and did not participate.

In the matter of Recovery Fund File Number 2005-00002, Cathy Washburn and Allen Chester (Claimants) vs. Orville L. and Gloria J. Peters (Regulant), t/a O. L. Boogie Peters, Jr. Plumbing & Heating Company Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation Attorney Christopher Perkins for Orville L. and Gloria J. Peters (Regulant), t/a O. L. Boogie Peters, Jr. Plumbing & Heating Company (Regulant) appeared at the IFF and the Board meeting Cathy Washburn (Claimant) appeared at the IFF and the Board meeting After discussion, a motion was made by Mr. Falwell and seconded by Mr. Hart to send the claim back to an IFF for more clarification The motion did not pass Members voting "No" were Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. Mr. Falwell and Mr. Hart voted "yes." After further discussion, a motion was made by Mr. Kirby and seconded by Mr. Falwell to adopt the claim review and reject the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$7,397.52. The motion passed by majority vote. Members voting "Yes" were Falwell, Kirby, Modisett, Orange, Tomlin, Redifer, and Smith. Mr. Walton and Mr. Hart voted "no." As the Board Representative, Mr. Hollar was not present and did not participate.

File Number
2005-00002
Orville L. &
Gloria J.
Peters

In the matter of License Application File Number 2006-03158, Chantilly Excavating & Paving Corporation, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03158
Chantilly
Excavating
& Paving
Corporation

Chantilly Excavating & Paving Corporation appeared at the IFF but not the Board meeting The presiding Board representative Ms. Mitchell was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by Mr. Walton and seconded by Mr. Falwell to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

The motion was approved by a unanimous vote Members voting "Yes" were. Falwell, Hart, Modisett, Tomlin, Orange, Redifer, Smith, Hollar, Walton, and Kirby. The license was granted.

In the matter of License Application File Number 2006-03157, Frank D'Alessandro, Sr., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

File Number
2006-03157
Frank
D'Alessandr
o, Sr.

Frank D'Alessandro, Sr. appeared at the IFF but not the Board meeting The presiding Board representative Ms. Mitchell was not present, did not

participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Hart** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Hart, Modisett, Tomlin, Orange, Hollar, Redifer, Smith, and Walton**. **Mr. Kirby** voted "no." The license was granted.

In the matter of License Application File Number 2006-03156, Kevin Andrew Fravel, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Kevin Andrew Fravel appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Falwell** and seconded by **Ms. Tomlin** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-03156
Kevin
Andrew
Fravel

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Hart, Modisett, Tomlin, Redifer, Orange, Smith, and Walton**. **Mr. Hollar** and **Mr. Kirby** voted "no." The license was granted.

In the matter of License Application File Number 2006-03155, Robert Kisling, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Robert Kisling appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-03155
Robert
Kisling

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, and Walton**. **Mr. Kirby, Mr. Orange, Mr. Smith, and Mr. Hart** voted "no." The license was granted.

In the matter of License Application File Number 2006-03154, Matthew Scott Dean, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03154
Matthew
Scott Dean

Matthew Scott Dean appeared at the IFF but not the Board meeting. The

presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton**. **Mr. Kirby** voted "no." The license was granted.

In the matter of License Application File Number 2006-03017, Robert Kisling, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03017
Cedric M.
Green

Cedric Green, t/a Cedric's Lawn Care & Construction did not appear at the IFF or the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, and Walton**. **Mr. Kirby**, and **Mr. Hart** voted "no." The license was granted.

In the matter of License Application File Number 2006-03016, Anthony B. Gilley, t/a Gilley's Improvements, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03016
Anthony B.
Gilley

Anthony B. Gilley appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton**. The license was granted.

In the matter of License Application File Number 2006-03015, Kabir Mohammed Shafik, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03015
Kabir
Mohammed

Shafik

Kabir Mohammed Shafik appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton**. The license was granted.

In the matter of License Application File Number 2006-03014, **Twan Maurice Byrd, t/a Twan Maurice Byrd's Home Improvement**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03014
Twan
Maurice
Byrd

Twan Maurice Byrd appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton**. The license was granted.

In the matter of License Application File Number 2006-03011, **Tyeesha Ann Burl**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03011
Tyeesha Ann
Burl

Tyeesha Ann Burl appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton**. **Mr. Kirby** voted "no." The license was granted.

In the matter of License Application File Number 2006-02861, **Thomas**

File Number

Richter, t/a Total Customs Renovation, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

2006-02861
Thomas
Richter

Thomas Richter appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton**. The license was granted.

In the matter of License Application File Number 2006-02860, **Chris Currier, t/a Legal Graffiti**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-02860
Chris
Currier

Chris Currier appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Orange, Smith, Tomlin, Hollar, Redifer, and Walton**. **Mr. Kirby** and **Mr. Hart** voted "no." The license was granted.

In the matter of License Application File Number 2006-02806, **Randall Alan Freuler, t/a Alan Freuler Construction**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-02806
Randall
Alan Freuler

Randall Alan Freuler appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Mitchell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton**. The license was granted.

I In the matter of License Application File Number 2006-02805, Gutter Goo Rooz, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

**File Number
2006-02805
Gutter Goo
Rooz, Inc**

Gutter Goo Rooz, Inc. appeared at the IFF but not the Board meeting. The presiding Board representative Ms. Mitchell was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by Mr. Hollar and seconded by Mr. Falwell to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

The motion was approved by a unanimous vote. Members voting "Yes" were: Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton. The license was granted

In the matter of License Application File Number 2006-02652, Michael Shayne Lovett, t/a Blue Ridge granite & Construction, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

**File Number
2006-02652
Michael
Shayne
Lovett**

Michael Shayne Lovett appeared at the IFF and the Board meeting. The presiding Board representative Ms. Mitchell was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by Mr. Hollar and seconded by Mr. Smith to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

The motion was approved by a unanimous vote. Members voting "Yes" were: Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton. The license was granted

A motion was made by Mr. Orange and seconded by Mr. Kirby to take a break. The motion was approved by a unanimous vote. Members voting "Yes" were: Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.

**Break at
10:45 AM**

Mr. Orange called the meeting back to order at 10:55 AM.

**Reconvene
from break
10:55 AM**

In the matter of Disciplinary File Number 2005-05049, Timothy W. Jarvis, t/a Builders "R" Us, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2005-05049
Timothy W.
Jarvis**

Neither **Timothy W. Jarvis, (Respondent)**, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Timothy W. Jarvis, t/a Builders "R"** Us, violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.9 (Two violations)

Count 2: 18 VAC 50-22-360.B.27

Count 3: 18 VAC 50-22-260.B.27

Count 4: 18 VAC 50-22-260.B.14

Count 5: 18 VAC 50-22-260.B.16

Count 6: 18 VAC 50-22-260.B.22

Count 7: 18 VAC 50-22-260.B.23

Count 8: 18 VAC 50-22-260.B.13

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Falwell** to impose the following sanctions: \$700.00 monetary penalty (two violations of \$350.00 each) for the violation of (Count 1), \$500.00 monetary penalty for the violation of (Count 2), \$500.00 monetary penalty for the violation of (Count 3), \$2,500.00 monetary penalty for the violation of (Count 4), \$2,500.00 monetary penalty for the violation of (Count 5), \$200.00 monetary penalty for the violation of (Count 7), and \$1,000.00 monetary penalty for the violation of (Count 8). A total monetary penalty of \$7,900.00 is imposed. As to Counts 1, 2, 3, 7, and 8, the Board voted to require **Timothy W. Jarvis** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposed revocation of license (Number 2705-082158) for the violation of Counts 4 and 5. As to 18 VAC 50-22-260.B.22 (Count 6), the Board voted to impose no monetary penalty for the violation of the regulation. As to Counts 4, 5, and 8, the Board voted to increase the monetary penalty to be consistent with previous Board action on related violations. The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton.** **Mr. Hollar** voted "no." As the presiding Board Representative, **Mr. Kinser** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04400, Scott A. Steele, t/a

File Number

Born Again Homes, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

2005-04400
Scott A.
Steele

Neither **Scott A. Steele, (Respondent)**, nor anyone on his behalf appeared at the IFF or the Board meeting. **Charlene Armel, (Complainant)**, appeared at the IFF but not the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Scott A. Steele, t/a Born Again Homes**, violated the following sections of its 2003 and 2005 Regulations

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-210.3

Count 2: 18 VAC 50-22-360.B.14

Count 3: 18 VAC 50-22-260.B.16

Count 4: 18 VAC 50-22-230.B

Count 5: 18 VAC 50-22-220.C

(Effective August 1, 2005)

Count 6: 18 VAC 50-22-260.B.12

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to impose the following sanctions. \$300.00 monetary penalty for the violation of **(Count 1)**, \$1,500.00 monetary penalty for the violation of **(Count 2)**, \$2,000.00 monetary penalty for the violation of **(Count 3)**, \$300.00 monetary penalty for the violation of **(Count 4)**, \$300.00 monetary penalty for the violation of **(Count 5)**, and \$750.00 monetary penalty for the violation of **(Count 6)**. A total monetary penalty of \$5,150.00 is imposed. As to Counts 1, 2, 3, 4, 5, and 6, the Board voted to require **Scott A. Steele** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposed revocation of license **(Number 2705-084970)** for the violation of **Count 3**. As to 18 VAC 50-22-260 B 16 **(Count 3)**, the Board voted to increase the monetary penalty to be consistent with previous board action on related violations. The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Hart, Hollar, Modisett, Orange, Tomlin, Redifer, Smith, and Walton.** **Mr. Kirby** voted "no." As the presiding Board Representative, **Mr. Kinser** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04217, Robert E. Turner, t/a Concrete By Us, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2005-04217
Robert E.
Turner**

Neither Robert E. Turner, (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting William and Catherine Anderson, (Complainants), appeared at the IFF but not the Board meeting The presiding Board Representative, Mr. Kinser was not present, did not participate in the discussion and did not vote. After discussion a motion was made by Mr. Redifer and seconded by Mr. Hollar to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found Scott A. Steele, t/a Born Again Homes, violated the following sections of its 2003 Regulations

**Count 1: 18 VAC 50-22-260.B.27
Count 2: 18 VAC 50-22-260.B.9
Count 3: 18 VAC 50-22-260.B.5
Count 4: 18 VAC 50-22-260.B.14
Count 5: 18 VAC 50-22-260.B.16
Count 6: 18 VAC 50-22-230.B**

The motion was approved by a unanimous vote. Members voting "Yes" were Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.

After discussion a motion was made by Mr. Kirby and seconded by Mr. Hollar to impose the following sanctions: \$500 00 monetary penalty for the violation of (Count 1), \$600 00 monetary penalty for the violation of (Count 2), \$1,000 00 monetary penalty for the violation of (Count 3), \$1,000 00 monetary penalty for the violation of (Count 4), \$1,000 00 monetary penalty for the violation of (Count 5), and \$500 00 monetary penalty for the violation of (Count 6) A total monetary penalty of \$4,600.00 is imposed As to Counts 1, 2, and 6, the Board voted to require Robert E. Turner to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposed revocation of license (Number 2705-04217) for the violation of Counts 3, 4, and 5. The motion was approved by a majority vote Members voting "Yes" were Falwell, Hart, Hollar, Modisett, Orange, Tomlin, Redifer, Smith, and Walton. Mr. Kirby voted "no." As the presiding Board Representative, Mr. Kinser was not present and did not vote.

In the matter of Disciplinary File Number 2005-04529, Legacy Properties

File Number

Group, LLC, t/a Legacy Properties Group, LLC, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**2005-04529
Legacy
Properties
Group, LLC**

Kim Porter on behalf of Legacy Properties Group, LLC, (Respondent) and Barry Dorans, attorney for Respondent, appeared at the IFF Ms Porter appeared at the Board meeting James and Florence Claggon, **(Complainants)**, appeared at the IFF and the Board meeting The Claggons addressed the Board. The presiding Board Representative, **Mr. Kinser** was not present, did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Legacy Properties Group, LLC**, violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.30

The motion was approved by a unanimous vote Members voting "Yes" were: **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions. \$600 00 monetary penalty and a member of Responsible Management of **Legacy Properties Group, LLC** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order for the violation of **(Count 1)** A total monetary penalty of \$600 00 is imposed

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.** As the presiding Board Representative, **Mr. Kinser** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00923, Christopher Patete, t/a Sturdy Built Mfg., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2006-00923
Christopher
Patete**

Christopher Patete, (Respondent), appeared at the IFF and the Board meeting Mr. Patete disagreed with the Board Richard and Sandra Saxer, **(Complainants)**, appeared at the IFF and the Board meeting. The Saxers agreed with the Board The presiding Board Representative, **Mr. Kinser** was

not present, did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **Christopher Patete, t/a Sturdy Built Mfg.**, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.10

Count 3: 18 VAC 50-22-260.B.5

The motion was approved by a unanimous vote Members voting "Yes" were. **Falwell, Modisett, Tomlin, Hollar, Redifer, Kirby, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to impose the following sanctions \$200 00 monetary penalty for the violation of (Count 1), \$100 00 monetary penalty for the violation of (Count 2), and \$2,500 00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$2,800 00 is imposed As to Counts 1, and 2, the Board voted to require **Christopher Patete** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order The Board also imposed revocation of license (Number 2701-027175) for the violation of Count 3. The motion was approved by a majority vote Members voting "Yes" were **Hart, Hollar, Orange, Tomlin, Redifer, and Smith. Mr. Modisett, Mr. Walton, and Mr. Falwell** voted "no." As the presiding Board Representative, **Mr. Kinser** was not present and did not vote.

In the matter of Disciplinary File Number 2006-01280, Michael B. Andrews, t/a Andrew's Construction, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2006-01280
Michael B.
Andrews

Neither Michael B. Andrews, (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting. **Robert Moss, (Complainant)**, appeared at the IFF but not the Board meeting The presiding Board Representative, **Mr. Kirby** was not present, did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **Michael B. Andrews**, violated the following sections of its 2003 and 2005 Regulations

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.16

(Effective August 1, 2005)

Count 3: 18 VAC 50-22-260.B.13

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to impose the following sanctions: \$200.00 monetary penalty for the violation of **(Count 1)**, \$2,500.00 monetary penalty for the violation of **(Count 2)**; and \$1,000.00 monetary penalty for the violation of **(Count 3)**. A total monetary penalty of \$3,700.00 is imposed. As to Counts 1, and 3, the Board voted to require **Michael B. Andrews** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposed revocation of license (**Number 2705-087100**) for the violation of **Count 2**. The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.** As the presiding Board Representative, **Mr. Kirby** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04681, Pool-Mart, Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-04681
Pool-Mart,
Inc.

Neither Pool-Mart, Inc., (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting. **Timothy and Kathleen Gibson, (Complainants),** appeared at the IFF but not the Board meeting. The presiding Board Representative, **Mr. Kirby** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Smith** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Pool-Mart, Inc.,** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.15

Count 2: 18 VAC 50-22-220.A

Count 3: 18 VAC 50-22-230.B

The motion was approved by a unanimous vote. Members voting "Yes"

were. **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Walton** to impose the following sanctions \$1,000 00 monetary penalty for the violation of (Count 1), \$500 00 monetary penalty for the violation of (Count 2), and \$500 00 monetary penalty for the violation of (Count 3) A total monetary penalty of \$2,000 00 is imposed As to Counts 1, 2, and 3, the Board voted to require a member of Responsible Management of Pool-Mart, Inc. to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

As the presiding Board Representative, **Mr. Kirby** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00847, Mitchell Homes, Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2006-00847
Mitchell
Homes, Inc.**

Mitchell Homes, Inc., (Respondent), appeared at the IFF and Jim Matthews for Mitchell Homes, Inc appeared at the Board meeting **Marlene Winn, (Complainants),** appeared at the IFF and the Board meeting The presiding Board Representative, **Mr. Kirby** was not present, did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violations of the Boards Regulations and let staff work out a mutual Consent Order between the two parties involved and to bring that back to the Board for its consideration and ratification **The motion was approved unanimously. Members voting yes were: Orange, Falwell, Hollar, Redifer, Walton, Smith, Hart, Modisett and Tomlin.**

In the matter of Disciplinary File Number 2006-00749, Lloyd L. Saner, Jr., t/a Saner Construction, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2006-00749
Lloyd L.
Saner, Jr.**

Neither Lloyd L. Saner, Jr., (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting **Joseph Spivery, (Complainant),** appeared at the IFF but not the Board meeting The presiding Board Representative, **Mr. Kirby** was not present, did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the Report of Findings which

contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Lloyd L. Saner, Jr.**, violated the following sections of its 2003 and 2005 Regulations

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260.B.9 (Three violations)

Count 2: 18 VAC 50-22-260.B.27

Count 3: 18 VAC 50-22-260.B.6

Count 4: 18 VAC 50-22-260.B.16

(Effective August 1, 2005)

Count 5: 18 VAC 50-22-260.B.13

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to impose the following sanctions: \$750.00 monetary penalty (Three violations @ \$250.00 per violation) for the violation of (Count 1), \$1,000.00 monetary penalty for the violation of (Count 2), \$1,000.00 monetary penalty for the violation of (Count 3), \$2,500.00 monetary penalty for the violation of (Count 4), and \$1,000.00 monetary penalty for the violation of (Count 5). A total monetary penalty of \$6,250.00 is imposed. As to Counts 1, 2, 3, and 5, the Board voted to require **Lloyd L. Saner, Jr.** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. As to Count 4, the Board voted to impose revocation of the license (Number 2705-078069). The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

As the presiding Board Representative, **Mr. Kirby** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00010, Ron A. Hodges, t/a Ron A. Hodges, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-00010
Ron A.
Hodges**

Neither Ron A. Hodges, (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Kirby** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found

Ron A. Hodges, violated the following sections of its 2003 Regulations

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260.B.8

Count 2: 18 VAC 50-22-260.B.16

Count 3: 18 VAC 50-22-260.B.13

(Effective August 1, 2005)

Count 4: 18 VAC 50-22-260.B.28

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions \$500 00 monetary penalty for the violation of **(Count 1)**, \$2,500 00 monetary penalty for the violation of **(Count 2)**, \$1,000 00 monetary penalty for the violation of **(Count 3)**, \$2,500 00 monetary penalty for the violation of **(Count 4)** A total monetary penalty of \$6,500 00 is imposed As to Counts 1, and 3, the Board voted to require **Ron A. Hodges** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order As to Counts 2 and 4, the Board voted to impose revocation of the license **(Number 2705-084505)** The motion was approved by a unanimous vote Members - "Yes" were **Falwell, Modisett, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

As the presiding Board Representative, **Mr. Kirby** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04008, Donnie R. Jennings, t/a Donnie R. Jennings, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-04008
Donnie R.
Jennings

Neither Donnie R. Jennings, (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting **James and Rena Aston, (Complainants)**, appeared at the IFF but not the Board meeting The presiding Board Representative, **Mr. Modisett** was not present, did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **Donnie R. Jennings**, violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.30

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions \$2,000 00 monetary penalty for the violation of (Count 1) A total monetary penalty of \$2,000 00 is imposed. The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

As the presiding Board Representative, **Mr. Modisett** was not present and did not vote.

In the matter of Disciplinary File Number 2005-02171, USA Remediation Services, Inc. t/a USA Remediation Services, Inc. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

File Number
2005-02171
USA
Remediation
Services, Inc.

Neither USA Remediation Services, Inc., (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting The presiding Board Representative, **Mr. Modisett** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **USA Remediation Services, Inc.,** violated the following sections of its 2003 Regulations.

Count 1: 18 VAC 50-22-260.B.24

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to impose the following sanctions Suspension of the license (Number 2701-038305) until the fine imposed by the EPA is satisfied or paid. The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

As the presiding Board Representative, **Mr. Modisett** was not present and did not vote.

In the matter of Disciplinary File Number 2005-03758, John M. Lloyd, t/a Mountain View Plumbing, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member

**File Number
2005-03758
John M.
Lloyd**

Neither John M. Lloyd, (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting **Carla and Bradley Chamberlain (Complainants)**, appeared at the IFF and the Board meeting. The presiding Board Representatives, **Mr. Modisett and Mr. Falwell** were not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **John M. Lloyd**, violated the following sections of its 2003 and 2005 Regulations.

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.31

Count 3: 18 VAC 50-22-260.B.5

Count 4: 18 VAC 50-22-260.B.15

Count 5: 18 VAC 50-22-260.B.16

(Effective August 1, 2005)

Count 6: 18 VAC 50-22-260.B.26

The motion was approved by a unanimous vote. Members voting "Yes" were **Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following sanctions: \$300.00 monetary penalty for the violation of (Count 1), \$200.00 monetary penalty for the violation of (Count 2), \$1,500.00 monetary penalty for the violation of (Count 3), \$1,500.00 monetary penalty for the violation of (Count 4), \$1,000.00 monetary penalty for the violation of (Count 5), and \$2,000.00 monetary penalty for the violation of (Count 6). A total monetary penalty of \$6,500.00 is imposed. As to Counts 1, and 2, the Board voted to require a member of **Responsible Management of John M. Lloyd** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. As to Counts 5 and 6, the Board voted to impose revocation of the license (Number 2705-051642). The motion was approved by a unanimous vote. Members voting "Yes" were **Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

As the presiding Board Representatives, **Mr. Modisett and Mr. Falwell** were not present and did not vote.

In the matter of Disciplinary File Number 2005-03668, Mark K. Birt, Sr., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-03668
Mark K.
Birt, Sr.

Neither **Mark K. Birt, Sr., (Respondent)**, nor anyone on his behalf appeared at the IFF or the Board meeting. **James Hammill, (Complainant)**, appeared at the IFF but not the Board meeting. The presiding Board Representatives, **Mr. Modisett and Mr. Falwell** were not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Mark K. Birt, Sr.**, violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-30-190.1

Count 2: 18 VAC 50-30-190.5

The motion was approved by a unanimous vote. Members voting "Yes" were **Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Hart** to impose the following sanctions: \$750.00 monetary penalty for the violation of (Count 1), and \$1,750.00 monetary penalty for the violation of (Count 2). A total monetary penalty of \$2,500.00 is imposed. As to Counts 1, and 2, the Board voted to require **Mark K. Birt, Sr.** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. As to Counts 1 and 2, the Board voted to impose suspension of the license (Number 2701-039181) for a period of six (6) months, based upon the egregious nature of the offenses and conducting business with a value of over \$1,000.00 without possessing a contractor's license. The motion was approved by a unanimous vote. Members voting "Yes" were **Kirby, Tomlin, Hollar, Redifer, Orange, Smith, Hart, and Walton.** As the presiding Board Representatives, **Mr. Modisett and Mr. Falwell** were not present and did not vote.

In the matter of Disciplinary File Number 2005-03767, Nevets Construction Co., LLC, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-03767
Nevets
Construction
Co, LLC

Neither **Nevets Construction Co., LLC, (Respondent)**, nor anyone on its behalf appeared at the October 25, 2005 IFF. **Joan Allison, (Complainant)** appeared at the October 25, 2005 IFF. Neither **Nevets Construction Co.**,

LLC, (Respondent) nor anyone on its behalf appeared at the January 12, 2006 IFF or the Board meeting. Joan Allison, (Complainant), appeared at the Board meeting but not the January IFF. The presiding Board Representatives, **Mr. Redifer and Ms. Wall** were not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Falwell** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Nevets Construction Co., LLC.**, violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.18
Count 2: 18 VAC 50-22-260.B.28

The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Kirby, Orange, Smith, Hart, and Walton.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Falwell** to impose the following sanctions: \$500.00 monetary penalty for the violation of (Count 1), and \$2,500.00 monetary penalty for the violation of (Count 2). A total monetary penalty of \$3,000.00 is imposed. As to Count 1, the Board voted to find a violation and impose a monetary penalty based upon there being no evidence in the file contrary to support a finding of no violation. As to Count 2, the Board voted to impose a monetary penalty and revocation of the license (Number 2705-070966) based upon the outstanding judgment and to be consistent with previous Board action on related violations. The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Modisett, Tomlin, Hollar, Kirby, Orange, Smith, Hart, and Walton.**

As the presiding Board Representative, **Mr. Redifer and Ms. Wall** were not present and did not vote.

In the matter of Consent Order File Number 2005-00942, Board v. **Mickey Shannon Higgins t/a Higgins Home Improvement**, the board reviewed the Consent Order. **Mickey Shannon Higgins, t/a Higgins Home Improvement** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.9 \$0.00 and Count 2: 18 VAC 50-22-260.B.26 \$0.00.** A total monetary penalty of \$0.00 is hereby imposed. It is noted that **Mickey Shannon Higgins** agrees to revocation of his license 2705-064675.

File Number
2005-00942
Mickey
Shannon
Higgins

Upon a motion by **Falwell** seconded by **Kirby** the board ratified the consent order with a unanimous vote. Members voting "Yes" were **Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett, and**

Tomlin.

In the matter of Consent Order File Number 2005-04464, Board v. Wendell John Johnson Jr t/a Millennium Construction, the board reviewed the Consent Order Wendell John Johnson Jr t/a Millennium Construction acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.27 \$ 00 and count 2: 18 VAC 50-22-230B \$00. A total monetary penalty of \$.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Wendell John Johnson, Jr. agrees to revocation of his license 2705-051047.

**File Number
2005-04464
Wendell
John
Johnson**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01682, Board v. Christopher E Tester, t/a Basic Home Improvements the board reviewed the Consent Order Christopher E Tester, t/a Basic Home Improvements acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: § 54 1-1110 of the Code of Virginia \$.00. A total monetary penalty of \$.00 is hereby imposed. In addition, for the violation of Count 1 Christopher E Tester, agrees to revocation of his license (2705-086005).

**File Number
2006-01682
Christopher
E Tester**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-04931, Board vs. Nevets Construction Co LLC, the board reviewed the Consent Order Nevets construction Co LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: § 54 1-1110 of the Code of Virginia \$.00 A total monetary penalty of \$.00 is hereby imposed. In addition, for the violation of Count 1 Nevets Construction Co LLC agrees to license revocation unless Nevets Construction Co LLC reimburses, within thirty days of the effective date of the Order, the Contractor Transaction Recovery Fund all money dispersed for case number 2004-04257 and also must pay all monetary penalties for case number 2003-01396 within thirty day of the effective date of the Order.

**File Number
2005-04931
Nevets
Construction
Co LLC.**

Upon a motion by Falwell seconded by Hollar the board ratified the consent order with a unanimous vote. Members voting "Yes" were Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Rackas Pate, Hart, Modisett, Wood, and Tomlin.

In the matter of Consent Order File Number 2005-03302, Board v. Wci Construction Co Inc t/a Wci Construction Co Inc, the board reviewed the Consent Order Wci Construction Co Inc t/a Wci Construction Co Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-210 \$.00; Count 2: 18 VAC 50-22-220.B \$.00; Count 3: 18 VAC 50-22-260.C \$.00 and Count 4: 18 VAC 50-22-260.B.13 \$.00. A total monetary penalty of \$.00. In addition, for the violation of Count 1 through 4, Wci agrees to revocation of its license 2705-055715.

**File Number
2005-03302
Wci
Construction
Co Inc**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote: Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-05006, Board v. Virginia Home Air Conditioning & Appliance Ent Inc, t/a Norse Heating Air Conditioning & Appliance, the board reviewed the Consent Order Virginia Home Air Conditioning & Appliance Ent Inc, t/a Norse Heating Air conditioning & Appliance acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.6 \$1,000.00 and Count 2: 18 VAC 50-22-260 B.9 \$750.00. A total monetary penalty of \$1,750.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Virginia Home Air Conditioning & Appliance Ent Inc, t/a Norse Heating Air Conditioning & Appliance agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Virginia Home Air Conditioning & Appliance Ent Inc, t/a Norse Heating Air conditioning & Appliance also agrees to pay \$150.00 in Board costs.

**File Number
2005-05006
Virginia
Home Air
conditioning
& Appliance
Ent Inc**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-05059, Board v. Steadfast Construction Inc t/a Steadfast Construction Inc, the board

**File Number
2006-05059**

reviewed the Consent Order. **Steadfast Construction Inc t/a Steadfast Construction Inc**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260.B.31 \$100.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, for the violation of Count 1, **Steadfast Construction Inc t/a Steadfast Construction Inc**, agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. **Steadfast Construction Inc t/a Steadfast Construction Inc**, also agrees to pay \$150.00 in Board costs.

**Steadfast
Construction
Inc**

Upon a motion by **Falwell** seconded by **Kirby** the board ratified the consent order with a unanimous vote Members voting "Yes" were **Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett, and Tomlin.**

In the matter of Consent Order File Number 2005-04769, Board v. **John W Berry t/a Tradesmaster Constr** the board reviewed the Consent Order. **John W Berry t/a Tradesmaster Constr** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-230.A \$100.00; Count 2 §4 5 (1992 regulations) \$100.00; Count 3: 18 VAC 50-22-260.B.9 \$100.00; Count 4: 18 VAC 50-22-260.B.27 \$100.00; Count 5 18 VAC 50-22-260 B 31. A total monetary penalty of \$500.00 is hereby imposed. In addition, for the violation of Count 1 through 5 **John W Berry t/a Tradesmaster Constr** agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. **Billy Lee Frye** also agrees to pay \$150.00 in Board costs.

File Number
2005-04769
**John W
Berry**

Upon a motion by **Falwell** seconded by **Kirby** the board ratified the consent order with a unanimous vote Members voting "Yes" were: **Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.**

In the matter of Consent Order File Number 2005-04475, Board v. **KZA Limited Liability Company, t/a KZA Limited Liability Company**, the board reviewed the Consent Order **KZA Limited Liability Company, t/a KZA Limited Liability Company** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-230.A \$300.00 and Count 2: 18 VAC 50-22-260.B.9 \$300.00. A total monetary penalty of \$600.00 is hereby imposed. In addition, for violation

File Number
2005-04475
**KZA
Limited
Liability
Company**

of Count 1 and Count 2, KZA Limited Liability Company, t/a KZA Limited Liability Company agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of the order. KZA Limited Liability Company, t/a KZA Limited Liability Company also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-04385, Board v. American Painting Inc., t/a American Painting Inc the board reviewed the Consent Order American Painting Inc., t/a American Painting Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-230A \$250.00; Count 2: 18 VAC 50-22-260.B.6 \$300.00; Count 3: 18 VAC 50-22-260.B.9 \$300.00 and Count 4: 18 VAC 50-22-260.B.15 \$1,000.00. A total monetary penalty of \$1,850.00 is hereby imposed. In addition, it is noted that a member of Responsible Management of American Painting, Inc successfully completed remedial education by attending the Board's Basic Contractor Licensing class and passing the examination on November 19, 2005. American Painting Inc., t/a American Painting Inc also agrees to pay \$150.00 in Board costs.

**File Number
2005-04385
American
Painting Inc**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-04195, Board v. Joseph P Vass t/a Colonial Design & Build Co, the board reviewed the Consent Order. Joseph P Vass t/a Colonial Design & Build Co acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260.B 9 \$300.00; Count 2: 18 VAC 50-22-260.B.6 \$800.00; Count 3: 18 VAC 50-22-260.B.29 \$500.00. A total monetary penalty of \$1,600.00 is hereby imposed. In addition, for violation of Count 1, 2 and 3 Joseph P Vass agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Joseph P Vass also agrees to pay

**File Number
2005-04195
Joseph P
Vass**

\$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett, and Tomlin.

In the matter of Consent Order File Number 2005-04116, Board v. The MC Johnson Group the board reviewed the Consent Order. The MC Johnson Group acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-220.B 9 \$300.00; Count 2: 18 VAC 50-22-230.A. \$200.00; Count 3: 18 VAC 50-22-210 \$500.00 and Count 4: 18 VAC 50-22-260.B.6 \$500.00. A total monetary penalty of \$1,500.00 is hereby imposed. In addition, for the violation of Counts 1 through 4, The MC Johnson Group agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order.) The M C Johnson Group also agrees to pay \$150.00 in Board costs.

File Number
2005-04116
The M C
Johnson
Group

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett, and Tomlin.

In the matter of Consent Order File Number 2005-04102, Board v. Fred G Walker t/a Building Solutions, the board reviewed the Consent Order. Fred G Walker t/a Building Solutions acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.6 \$200.00 and Count 2: 18 VAC 50-22-260.B.27 \$650.00. A total monetary penalty of \$850.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Fred G Walker agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Fred G Walker also agrees to pay \$150.00 in Board costs.

File Number
2005-04102
Fred G
Walker

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-04072, Board v.

File Number

Advance Contracting Inc, t/a Advance Contracting Inc, the board reviewed the Consent Order Advance Contracting Inc, t/a Advance Contracting Inc, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.9 \$.00; Count 2: 18 VAC 50-22-260.B.27; \$.00; Count 3: 18 VAC 50-22-260.B.31 \$.00; Count 4: 18 VAC 50-22-260.B.15 \$.00. A total monetary penalty of \$.00 is hereby imposed. In addition, for the violation of Count 1 through 4, Advance Contracting Inc, t/a Advance Contracting Inc, agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. In addition, for violation of Count 1, Advance Contracting Inc agrees to provide a copy of its current contract within thirty days of the Order and for violation of Count 3, Advance Contracting Inc agrees to reimburse \$600.00 to Linda Rosser and provide the Board with proof of the payment within thirty days of the Order.

**2005-04072
Advance
Contracting
Inc**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-03796, Board v. Crockett Home Improvement Inc, t/a Crockett Home Improvement Inc the board reviewed the Consent Order Crockett Home Improvement Inc, t/a Crockett Home Improvement Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.9 \$200.00 and Count 2: 18 VAC 50-22-260 B 31 \$200.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Crockett Home Improvement Inc, t/a Crockett Home Improvement Inc. agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Crockett Home Improvement Inc, t/a Crockett Home Improvement Inc. also agrees to pay \$150.00 in Board costs.

**File Number
2005-03796
Crockett
Home
Improve-
ment Inc**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-03280, Board v. Brian Keith Hall, t/a Seascape Siding Specialist, the board reviewed the Consent

**File Number
2005-03280**

Order Brian Keith Hall, t/a Seascope Siding Specialist acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board
Count 1: 18 VAC 50-22-260 B 9 \$200.00. A total monetary penalty of \$200.00 is hereby imposed.

**Brian Keith
Hall**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-02040, Board v. H B remodeling LLC, t/a H B Remodeling LLC, the board reviewed the Consent Order H B remodeling LLC, t/a H B Remodeling LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 27 \$50.00 and Count 2: 18 VAC 50-22-260 B 31 \$100.00. A total monetary penalty of \$150.00 is hereby imposed. In addition, for violations of count 1 and 2, H B Remodeling LLC agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. H B remodeling LLC also agrees to pay \$150.00 in Board costs.

**File Number
2005-02040
H B
Remodeling
LLC**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-01992, Board v. Jarrett H Lathers, t/a J I Contracting, the board reviewed the Consent Order Jarrett H Lathers, t/a J I Contracting acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 9 \$100.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, for violation of Count 1, Jarrett H Lathers, t/a J I Contracting agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order and to provide a copy of his current contract within thirty days of the Order. Jarrett H Lathers, t/a J I Contracting also agrees to pay \$150.00 in Board costs.

**File Number
2005-01992
Jarrett H
Lathers**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange,

Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-00838, Board v. JSC Concrete Construction Inc t/a JSC Concrete Construction Inc, the board reviewed the Consent Order JSC Concrete Construction Inc t/a JSC Concrete Construction Inc, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 3: 18 VAC 50-22-220 A \$100.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, for violations of Count 3, JSC Concrete Construction Inc t/a JSC Concrete Construction Inc, agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. JSC Concrete Construction Inc t/a JSC Concrete Construction Inc, also agrees to report within 30 days of the effective date of the Order a change in the officers of the corporation.

**File Number
2005-00838
JSC
Concrete
Construction
Inc**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-00186, Board v. Charles R Potter Jr, t/a Buena Vista Construction Co, the board reviewed the Consent Order. Charles R Potter Jr, t/a Buena Vista Construction Co acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260 B 9 \$150.00 and Count 2: 18 VAC 50-22-260 B 9 \$150.00. A total monetary penalty of \$300.00 is hereby imposed. In addition, for violations of Count 1, Charles R Potter Jr, t/a Buena Vista Construction Co agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order.

**File Number
2005-00186
Charles R
Potter Jr.**

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-00302, Board v. John W White t/a New Horizons Concrete Construction, the board reviewed the Consent Order John W White t/a New Horizons Concrete Construction acknowledges an understanding of the charges and hereby admits to the

**File Number
2006-00302
John W
White**

violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-210 \$50.00; Count 2: 18 VAC 50-22-230 B \$.00 and Count 3: 18 VAC 50-22-260.B.27 \$600.00. A total monetary penalty of \$650.00 is hereby imposed. In addition, for violations of count 2, John W White t/a New Horizons Concrete Construction agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. John W White t/a New Horizons Concrete Construction also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were. Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2005-04730, Board v. Advance Contracting Inc t/a Advance Contracting Inc, the board reviewed the Consent Order Advance Contracting Inc t/a Advance Contracting Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260 B 8 \$200.00; Count 2: 18 VAC 50-22-260 B 27 \$200.00 and Count 3: 18 VAC 50-22-260.B.27 \$200.00. A total monetary penalty of \$600.00 is hereby imposed.

File Number
2005-04730
Advance
Contracting
Inc

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote: Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-00523, Board v. Fire Safety Products Inc t/a Fire Safety Products Inc, the board reviewed the Consent Order Fire Safety Products Inc t/a Fire Safety Products Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 22 \$.00; Count 2: 18 VAC 50-22-260 B 22 \$.00 and Count 3: 18 VAC 50-22-260 B 23 \$1,200.00 . A total monetary penalty of \$1,200.00 is hereby imposed.

File Number
2006-00523
Fire Safety
Products Inc

In addition, Fire Safety Products Inc agrees to remove Gilbert Maxwell as Responsible Management from the Board's records for license number 2705-018932 and further agrees to remove Gilbert Maxwell as an officer of the corporation from the records of the State corporation Commission within thirty days of the order. They also agrees to provide the Board with documentation that Gilbert Maxwell has assigned all of his stock interest in the corporation to an independent trustee that is not

associated with the corporation.

In addition, Fire Safety Products Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Fire Safety Products Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-00414, Board v. Coake & Stephens Electric Inc t/a Coake & Stephens Electric Inc, the board reviewed the Consent Order. Coake & Stephens Electric Inc t/a Coake & Stephens Electric Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260 B 6 \$150.00. A total monetary penalty of \$150.00 is hereby imposed.

File Number
2006-00414
Coake &
Stephens
Electric Inc

In addition, Coake & Stephens Electric Inc t/a Coake & Stephens Electric Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Coake & Stephens Electric Inc t/a Coake & Stephens Electric Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote: Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01056, Board v. Frank E Lester General Contractor Inc, the board reviewed the Consent Order. Frank E Lester General Contractor Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260 B 8 \$300.00. A total monetary penalty of \$300.00 is hereby imposed.

File Number
2006-01056
Frank E
Lester

In addition, Frank E Lester General Contractor Inc agrees to have a member of Responsible Management successfully complete remedial

education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Lester also agrees to provide a copy of its current contract within thirty days of the order. Frank E Lester General Contractor Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01275, Board vs. A-1 American Services Inc t/a A-1 American Plumbing, the board reviewed the Consent Order A-1 American Services Inc t/a A-1 American Plumbing acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 6 \$500.00 and Count 2: 18 VAC 50-22-260 B 10 \$350.00. A total monetary penalty of \$850.00 is hereby imposed.

File Number
2006-01275
A-1
American
Services Inc

In addition, A-1 American Services Inc t/a A-1 American Plumbing agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. A-1 American Services Inc t/a A-1 American Plumbing also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01277, Board v. C S Lewis & Son LLC, t/a C S Lewis & Son LLC, the board reviewed the Consent Order C S Lewis & Son LLC, t/a C S Lewis & Son LLC, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260 B 6 \$1,000.00. A total monetary penalty of \$1,000.00 is hereby imposed.

File Number
2006-01277
C S Lewis &
Son LLC

In addition, C S Lewis & Son LLC, t/a C S Lewis & Son LLC, agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. C S Lewis & Son LLC, t/a C S Lewis & Son LLC, also agrees to

pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01318, Board v. The Allen Group Inc, t/a The Allen Group Inc the board reviewed the Consent Order. The Allen Group Inc, t/a The Allen Group Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260 B 9 \$750.00. A total monetary penalty of \$750.00 is hereby imposed.

**File Number
2006-01318
The Allen
Group Inc**

In addition, The Allen Group Inc, t/a The Allen Group Inc to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. The Allen Group Inc, t/a The Allen Group Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote: Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01361, Board v. Matthew Thomas Green t/a Matthew Thomas Green the board reviewed the Consent Order. Matthew Thomas Green t/a Matthew Thomas Green acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-230 A 9 \$100.00; Count 2 18 VAC 50-22-260 B 8 \$500.00 and Count 3 18 VAC 50-22-260 B 27 \$800.00. A total monetary penalty of \$1,400.00 is hereby imposed.

**File Number
2006-01361
Matthew
Thomas
Green**

In addition, Matthew Thomas Green agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Matthew Thomas Green also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01549, Board v. Thomas R Marshall t/a Thomas R Marshall the board reviewed the Consent Order Thomas R Marshall t/a Thomas R Marshall acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 8 \$50.00 and Count 2 18 VAC 50-22-260 B 27 \$700.00. A total monetary penalty of \$750.00 is hereby imposed.

**File Number
2006-01549
Thomas R
Marshall**

In addition, Thomas R Marshall t/a Thomas R Marshall Inc agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Thomas R Marshall t/a Thomas R Marshall also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01450, Board v. Stig Petersen, t/a Petersen S Home Improvement the board reviewed the Consent Order Stig Petersen, t/a Petersen S Home Improvement acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 31 \$400.00. A total monetary penalty of \$750.00 is hereby imposed.

**File Number
2006-01450
Stig Petersen**

In addition, Stig Petersen agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Stig Petersen also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were. Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01461, Board v. Deck & Patio Boyz LLC t/a Deck & Patio Boyz LLC the board reviewed the Consent Order Deck & Patio Boyz LLC t/a Deck & Patio Boyz LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 31 \$.00. A total monetary penalty of \$0.00 is hereby imposed.

**File Number
2006-01461
Deck &
Patio Boyz
LLC**

In addition, Deck & Patio Boyz LLC t/a Deck & Patio Boyz LLC to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Deck & Patio Boyz LLC t/a Deck & Patio Boyz LLC also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01526, Board v. Mark A Slattery, t/a Mark A Slattery the board reviewed the Consent Order. Mark A Slattery, t/a Mark A Slattery acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 8 \$250.00; Count 2 18 VAC 50-22-260 B 9 \$250.00; Count 3: 18 VAC 50-22-260.B.6 \$500.00 and Count 4: 18 VAC 50-22-260.B.27 \$1,000.00. A total monetary penalty of \$2,000.00 is hereby imposed.

**File Number
2006-01526
Mark A
Slattery**

In addition, Mark A Slattery agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Mark A Slattery, t/a Mark A Slattery also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01609, Board v. Wade R Perminter t/a Wade Carpentry the board reviewed the Consent Order Wade R Perminter t/a Wade Carpentry acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 27 \$300.00; Count 2 18 VAC 50-22-260 B 27 \$300.00 and Count 3: 18 VAC 50-22-260.B.16 \$0. A total monetary penalty of \$600.00 is hereby imposed.

**File Number
2006-01609
Wade R
Perminter**

In addition, Wade R Perminter t/a Wade Carpentry agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Wade R Perminter t/a Wade Carpentry

also agrees to pay \$150.00 in Board costs.

In addition, Wade R Permitter agrees to reimburse \$6,000.00 to Uwe Klotz and provide the Board with proof of the payment within 8 months of the order.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01629, Board v. Robert D Robicheau, t/a R Robicheau Paving the board reviewed the Consent Order Robert D Robicheau, t/a R Robicheau Paving acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-230 A \$0.00 and Count 2: 18 VAC 50-22-260.B.8 \$400.00. A total monetary penalty of \$400.00 is hereby imposed.

**File Number
2006-01629
Robert D
Robicheau**

In addition, Robert D Robicheau, t/a R Robicheau Paving agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Robert D Robicheau, t/a R Robicheau Paving also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01727, Board v. K L Everett Inc, t/a K L Everett Inc the board reviewed the Consent Order K L Everett Inc, t/a K L Everett Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 9 \$300.00; Count 2: 18 VAC 50-22-260.B.8 \$100.00; Count 3: 18 VAC 50-22-230.A \$200.00; Count 4: 18 VAC 50-22-210.3 \$400.00; Count 5: 18 VAC 50-22-230.6 \$100.00. A total monetary penalty of \$1,100.00 is hereby imposed.

**File Number
2006-01727
K L Everett
Inc**

In addition, K L Everett Inc, t/a K L Everett Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. K L Everett Inc, t/a K L Everett Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were: Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01735, Board v. Cross Roads Construction LLC t/a Cross Roads Construction LLC the board reviewed the Consent Order. Cross Roads Construction LLC t/a Cross Roads Construction LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 8 \$100.00. A total monetary penalty of \$100.00 is hereby imposed.

File Number
2006-01735
Cross Roads
Construction
LLC

In addition, Cross Roads Construction LLC t/a Cross Roads Construction LLC agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Cross Roads Construction LLC t/a Cross Roads Construction LLC also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01765, Board v. Amar Construction Co Inc, t/a Amar Construction Co Inc the board reviewed the Consent Order. Amar Construction Co Inc, t/a Amar Construction Co Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-230 A \$400.00 and Count 2: 18 VAC 50-22-260.B.9 \$200.00. A total monetary penalty of \$600.00 is hereby imposed.

File Number
2006-01765
Amar
Construction
Co Inc

In addition, Amar Construction Co Inc, t/a Amar Construction Co Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Amar Construction Co Inc, t/a Amar Construction Co Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-01794, Board v. Geoscape Inc t/a Geoscape Inc the board reviewed the Consent Order Geoscape Inc t/a Geoscape Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 17 \$500.00. A total monetary penalty of \$500.00 is hereby imposed.

**File Number
2006-01794
Geoscape
Inc**

In addition, Geoscape Inc t/a Geoscape Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Geoscape Inc t/a Geoscape Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-02013, Board v. Kline & Sons Cement Repair Inc the board reviewed the Consent Order Kline & Sons Cement Repair Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 28 \$.00. A total monetary penalty of \$.00 is hereby imposed.

**File Number
2006-02013
Kline &
Sons Cement
Repair Inc**

In addition Kline & Sons Cement Repair Inc agrees to the suspension of its license until the judgment is satisfied and Kline & sons Cement Repair Inc provides the Board with proof of the satisfaction

In addition, Kline & Sons Cement Repair Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Kline & Sons Cement Repair Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-02053, Board v. Goode Construction Inc t/a Goode Construction Inc the board reviewed the Consent Order Goode Construction Inc t/a Goode Construction Inc acknowledges an understanding of the charges and hereby admits to the

**File N
2006-02053
Goode
Construction**

violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260 B 31 \$400.00. A total monetary penalty of \$400.00 is hereby imposed. Inc

In addition, Goode Construction Inc t/a Goode Construction Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. Goode Construction Inc t/a Goode Construction Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-02065, Board v. Joseph E Collier, t/a Woodwise the board reviewed the Consent Order Joseph E Collier, t/a Woodwise acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 27 \$.00 and Count 2: 18 VAC 50-22-260.B.31 \$200.00. A total monetary penalty of \$200.00 is hereby imposed.

File Number
2006-02065
Joseph E
Collier

It is noted that Joseph E Collier has recently passed all the Board's licensure examinations and therefore, remedial education is not required. Joseph E Collier, t/a Woodwise also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote. Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-02204, Board v. James Blackett, t/a Blackett Electric Co the board reviewed the Consent Order James Blackett, t/a Blackett Electric Co acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260 B 8 \$300.00 and Count 2: 18 VAC 50-22-260.B.6 \$400.00. A total monetary penalty of \$700.00 is hereby imposed.

File Number
2006-02204
James
Blackett

In addition, James Blackett agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six months of the effective date of this order. James Blackett, t/a Blackett Electric Co also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were. Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

In the matter of Consent Order File Number 2006-00847, Board v. Mitchell Homes Inc, the board reviewed the Consent Order. Mitchell Homes Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.25 \$00. A total monetary penalty of \$00 is hereby imposed. In addition, for the violation of Count 1 Mitchell Homes Inc agrees to place new roof shingles on Mrs. Winn's home, re-nail roof sheathing, replace any damaged roof sheathing, and abate building code violations numbers 1,2 and 4 as outlined in the December 28, 2004 letter from the Middlesex County Building Official that was amended on October 4, 2005 within 120 days of entry of this Order.

File Number
2006-00847
Mitchell
Homes, Inc.

Upon a motion by Falwell seconded by Kirby the board ratified the consent order with a unanimous vote Members voting "Yes" were Orange, Falwell, Hollar, Kirby, Redifer, Walton, Smith, Hart, Modisett and Tomlin.

The Board voted to present former Agency Director Louise Fontaine Ware with a resolution to be presented at the April meeting.

Other Board
Business

The committee report was presented to the Board and adopted

The General Assembly passed the Pre-license Education Bill

Mr. Olson reported to the Board the results of the Board for Contractors Committee Report:

Eric Olson

Additional Reciprocity Agreements

The Committee requested that staff examine the prospects for establishing additional reciprocal licensing and examination agreements with all nearby states A motion was made by Mr. Kirby, seconded by Mr. Walton to accept the Committee's requested for staff to examine additional reciprocal agreements The motion was approved by a unanimous vote. Members voting "yes" were Falwell, Hart, Hollar, Kirby, Modisett, Orange, Tomlin, Redifer, Smith and Walton.

Installation of Prefabricated Fireplace Systems Question

A motion was made by Mr. Kirby, seconded by Mr. Falwell to adopt clarification on the type of license required to install a prefabricated fireplace. The Committee affirmed 1) A Home Improvement Contracting (HIC)

specialty license is needed to install an unvented gas prefabricated fireplace; 2) An HVAC contracting or tradesman license is needed to install or modify a venting system, and 3) A contractor licensed to perform masonry work is authorized to install brick, concrete, block, stone, marble, slate or other types of masonry chimneys

The motion was approved by a unanimous vote. Members voting "yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Orange, Tomlin, Redifer, Smith and Walton.**

Definition of Change Order

After discussion, the Committee determined that a "Change Order" is defined as "Any modification in the original contract including, but not limited to 1) Time to complete the job, 2) Change in materials, 3) Change in cost, or, 4) Change in the scope of work. The Change Order must be signed by all contracting parties." A motion was made by **Mr. Redifer**, seconded by **Mr. Walton** to adopt the Committee's definition of a "Change Order." The motion was approved by a unanimous vote. Members voting "yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Orange, Tomlin, Redifer, Smith and Walton.**

Continuing Education for Tradesman Licensees


The Committee unanimously recommended that the proposed Tradesman regulations be amended so that the start date for the continuing education requirement for licensed Tradesman is changed from July 1, 2007 to December 31, 2007. This will provide affected licensees with ample time to meet this requirement.

There being no further business to come before the board, the meeting was adjourned at 1:37 P M upon a motion by Mr. Kirby and seconded by Mr. Falwell. The vote was unanimous. Members voting yes were **Orange, Hollar, Kirby, Tomlin, Hart, Falwell, Redifer, Walton, Smith, and Modisett.**

Adjourn-
ment



Mark D. Kinser, Chairman



Jay W. DeBoer, Secretary

Copy teste:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Charles Falwell
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ✓(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

March 28, 2006
Date

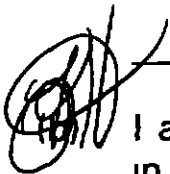
STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

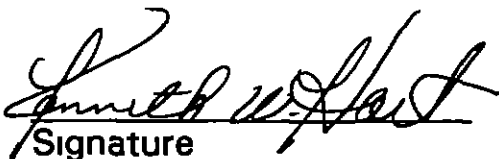
1. Name: **Kenneth Hart**
2. Title: **Member – Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:



I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

March 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: James Hollar
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

REGULATIONS, PROPOSALS

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ACCA, PMPV, PHCC, ARI

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar
Signature

March 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

PRES- DEKORAY INC. Kirby & Kirby Assoc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ACC OF VA, PMPA, BUILDERS & CONTRACTORS

Excuse me

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature

March 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Jeffrey Modisett
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

None

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Conquest, Hancock & Dunn Inc., AGC of Va.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Jeffrey A. Modisett
Signature

March 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony Orange
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

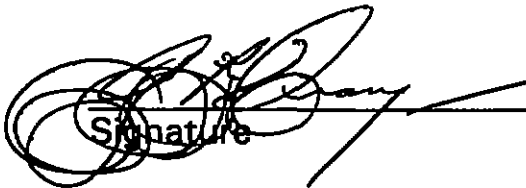
N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I.B.E.W LOCAL UNION 666

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

March 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

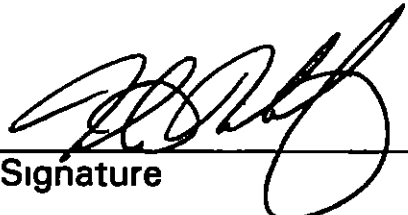
1. Name: Michael D. Redifer
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

UBLOA URMIA ILL NFPA LAET

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

March 28, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Troy Smith, Jr.
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

March 28, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Deborah Tomlin
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Deborah Tomlin

Signature

March 28, 2006

Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

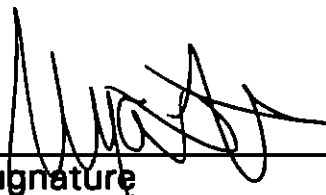
1. Name: Wyatt H. Walton, III
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

March 28, 2006
Date